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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE CEMENT  
MASONS HEALTH AND WELFARE TRUST  
FUND FOR NORTHERN CALIFORNIA;  
BOARD OF TRUSTEES OF THE CEMENT  
MASONS VACATION-HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA;  
BOARD OF TRUSTEES OF THE CEMENT  
MASONS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA; BOARD OF  
TRUSTEES OF THE CEMENT MASONS  
TRAINING TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

vs.

C. APARICIO, CEMENT CONTRACTOR,  
INC., a California corporation,

Defendant.

Case No.: 3:15-cv-04132-TEH  
Related Case: 3:15-cv-04131-TEH

**CASE MANAGEMENT CONFERENCE  
STATEMENT; ORDER THEREON**

**Date: December 14, 2015**  
**Time: 1:30 p.m.**  
**Ctroom: 12, 19<sup>th</sup> Floor**

**Hon. Thelton E. Henderson**

Plaintiffs Cement Masons Trust Funds provide the following case management statement.

On September 10, 2015, Plaintiffs filed their Complaint for Damages for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions, and for a Mandatory Injunction ("Complaint") [Document 1]. On September 15, 2015, this case was assigned to the Honorable Vince Chhabria [Document 6]. On September 16, 2015, Plaintiffs

1 filed their Administrative Motion to Relate Cases [Document 8]. On September 23, 2015, this  
2 Court granted the motion and related this case to *Board of Trustees of the Laborers Health and*  
3 *Welfare Trust Fund for Northern California, et al., v. C. Aparicio, Cement Contractor, Inc.*, 15-  
4 cv-0431-TEH [Document 9].

5 On October 14, 2015, defendant was duly served with the summons and complaint and  
6 all corresponding pleadings [Document 14]. Defendant failed to file a responsive pleading. On  
7 November 13, 2015, the clerk of court entered the default of defendant [Documents 18-19].

8 Plaintiffs Cement Masons Trust Funds intend to have their motion for default judgment<sup>1</sup>  
9 on file with this Court within the next forty five (45) days.

10 Based on the fact that this action is proceeding in default, Plaintiffs Cement Masons  
11 Trust Funds respectfully request that the case management conference be continued for forty-  
12 five (45) days to allow Plaintiffs Cement Masons Trust Funds time to file their motion for  
13 default judgment.

14 DATED: December 7, 2015

15 BULLIVANT HOUSER BAILEY PC

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17 By /s/ Ronald L. Richman  
18 Ronald L. Richman

19 Attorneys for Plaintiffs  
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<sup>1</sup> Motions for default judgment will be filed in both related cases.

**ORDER**

Based on the Plaintiffs Cement Masons Trust Funds' request to continue the case management conference and good cause appearing,

IT IS HEREBY ORDERED that the December 14, 2015 case management conference be continued to February 1, 2016 at 1:30 p.m., Courtroom 12, 19<sup>th</sup> Floor. If Plaintiffs Cement Masons Trust Funds have their motion for default judgment on file prior to the continued case management conference, the case management conference shall be vacated.

DATED: December 8, 2015

By:   
HON. THELTON E. HENDERSON  
UNITED STATES DISTRICT JUDGE

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